

### **REMARKS**

All of the claims have been amended, no claims have been canceled, and no new claims have been added. Claims 1-25 are therefore pending.

#### ***Claim Rejections - 35 USC § 103***

##### **A. Rejection of All Claims Citing Angles, Filepp, and other references**

The Office Action rejects claims 1-25 under 35 USC § 103(a) as unpatentable over the combination of Angles (US 5, 933,811) and Filepp (US 5,347,632) in further view of [1] Pegoraro (Washington Post newspaper article) or [2] Mandel (Canadian Business article) or [3] Hassett (US 6,807,558). This rejection is respectfully traversed. Claims 1, 7, 11, 15 and 21 are independent claims. The totality of the limitations recited in each of claims 1, 7, 8, 11, 12, 15 and 21 is neither taught nor suggested by the combination of references because the “client application” as claimed includes features which are neither taught nor suggested in the combination of references.

##### **B. All of The Functionality of the Claimed Client Application is NOT Taught or Suggested By the Cited References**

Claim 1 recites a method with a client application having various functionality, including:

“the client application commencing an **initial** online session with the online service provider **to gain access to the Internet**”;

“the client application operating independently of an Internet browser and operating concurrently with the Internet browser”;

“the client application causing a client window to be displayed on the output device, the client window remaining **fully** visible so long as the online session with the online service provider persists, wherein the client window is displayed independently of a browser window generated by the Internet browser”. (emphasis added)

**“the client application displaying a sponsorship label on the client window** by referring to the resource locator associated with the sponsorship label to be displayed, the sponsorship label comprising a hypertext link, wherein, when the

user clicks on the sponsorship label, the client application causes the local device to access the resource locator associated with a click-through of the sponsorship label”;

“the client application causing a first advertisement to be displayed in the client window, wherein the client application retrieves the first advertisement from a memory cache local to the local device”;

Neither Filepp nor Angles nor the other cited references disclose a client application having all of these limitations.

The Office Action fails to assert where the cited references teach the claimed limitations of the client application. As such, the Office Action fails to present a *prima facie* case of obviousness.

Importantly, although the Office Action asserts that “connecting to an online service provider” is taught at 7:53-60 and 19:17 – 20:26 of Angles, the Office Action fails to show where Angles (or the other references for that matter) teaches or suggests a client application “commencing an initial online session with the online service provider to gain access to the Internet”.

*Although some of the cited references may teach small portions of the claimed limitations, there is not teaching or suggestion of a client application that performs all of the functionality recited in claim 1.*

The Office Action states that “Filepp teaches a system and method in which the advertisements are displayed in a persistent window by an advertisement application that is operating independently of other applications (e.g. a browser) running in the other windows.” (Office Action, p. 3, last full sentence) However, that an advertisement application has certain functionality does not teach or suggest the client application having the plurality of claimed features. The Office Action fails to assert and the cited references fail to teach or suggest a client application that has all of the claimed limitations. That is, the advertisement application does not perform the entirety of the functionality of the client application.

Specifically, the advertisement application does not perform the entirety of the functionality of the client application, including “commencing an initial online session with the online service

provider to gain access to the Internet”; “causing a client window to be displayed on the output device, the client window remaining fully visible so long as the online session with the online service provider persists, wherein the client window is displayed independently of a browser window generated by the Internet browser”; “displaying a sponsorship label on the client window by referring to the resource locator associated with the sponsorship label to be displayed, the sponsorship label comprising a hypertext link, wherein, when the user clicks on the sponsorship label, the client application causes the local device to access the resource locator associated with a click-through of the sponsorship label”; and “causing a first advertisement to be displayed in the client window, [such that it] retrieves the first advertisement from a memory cache local to the local device”.

As such, the combination of Filepp and Angles and the other cited references fails to teach a client application that has each and every one of the features recited in claim 1. Therefore, claim 1 is patentable over the cited references.

Claim 7 recites a method with a client application having various functionality, including:

“the client application commencing an online session with the **online service provider**”;

“the client application operating independently of an Internet browser and operating concurrently with the Internet browser”;

“the client application causing a client window to be displayed on the output device, the client window remaining **fully visible and on top of all other windows so long as the online session with the online service provider persists**, wherein the client window is displayed concurrently with a browser window generated by the Internet browser”. (emphasis added)

“the client application causing the sponsorship label to be displayed on the client window, the sponsorship label comprising a hypertext link to be accessed if a user clicks on the sponsorship label.”

Neither Filepp nor Angles nor the other cited references disclose a client application having **all** of these limitations. As such, the combination of Filepp and Angles fails to teach a client application that has each and every one of the features recited in claim 7. Therefore, claim 7 is patentable over the cited references.

Claims 11, 15 and 21 have certain limitations in common with claims 1 and/or 7 as shown above. To the extent claims 11, 15 and 21 share limitations with claims 1 and/or 7, claims 11, 15 and 21 are patentable over the cited references for the same reasons claims 1 and/or 7 are patentable over the cited references as shown above.

The dependent claims are patentable over Filepp and Angles and the other cited references by virtue of their dependence on independent claims which have been shown to be patentable above. Therefore, all currently pending claims are patentable over the cited references.

### *Conclusion*

In view of all of the above, it is respectfully submitted that the present application is in condition for allowance. Reconsideration and reexamination are respectfully requested and allowance at an early date is solicited. We strongly request that the Examiner review the independent claims and reevaluate the cited prior art in view of the arguments presented above.

The Examiner is invited to call the undersigned attorney to answer any questions and to discuss steps necessary for placing the claims in condition for allowance.

Respectfully submitted,



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